BEFORE THE FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

JOHN DOE, Parent of JOHN DOE, JR.,

Petitioner,

v. Case No.: _____

ANYTOWN SCHOOL DISTRICT,

Respondent.

_____/

RESPONDENT'S NOTICE OF INSUFFICIENCY OF DUE PROCESS COMPLAINT

Respondent, ANYTOWN SCHOOL DISTRICT ("District"), pursuant to 20 U.S.C. § 1415(c)(2)(A) and 34 C.F.R. § 300.508(d)(1), hereby notifies the Administrative Law Judge and Petitioner that the District believes Petitioner's Due Process Complaint is insufficient.

I. Applicable Standard

A due process complaint must identify:

1. the child;
2. the child's residence;
3. the school the child attends;
4. the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem; and
5. a proposed resolution, to the extent known and available.

20 U.S.C. § 1415(c)(2)(A)–(B), 34 C.F.R. § 300.508(b).

A receiving party must notify the hearing officer and the opposing party in writing within fifteen days after receipt if it contends that the complaint is insufficient. 34 C.F.R. § 300.508(d)(1). The hearing officer must then determine, on the face of the complaint, whether it satisfies the regulatory requirements. 34 C.F.R. § 300.508(d)(2).

II. Grounds for Insufficiency

The Complaint does not identify an alleged violation of the IDEA. Instead, it alleges only that the Student received a one-school-day suspension based on a disputed accusation and that the related disciplinary records are inaccurate.

The Complaint does not allege facts showing that the suspension:

- constituted a change in the Student's educational placement;
- exceeded the disciplinary-removal limitations applicable to a child with a disability;
- denied the Student a free appropriate public education;
- resulted from a failure to implement the Student's IEP;
- was imposed without required manifestation-determination procedures; or
- otherwise violated an identifiable provision of the IDEA.

The Complaint likewise does not identify any IDEA provision requiring rescission or expungement of a disciplinary referral based solely on the Parent's disagreement with the underlying factual determination. The requested relief concerns the accuracy and maintenance of student records and the rescission of school discipline, but the Complaint does not identify a cognizable IDEA basis for that relief.

Accordingly, the Complaint does not describe "the nature of the problem of the child relating to the proposed or refused initiation or change" within the meaning of 34 C.F.R. § 300.508(b)(5), nor does it connect the alleged conduct to an IDEA right or obligation.

III. Relief Requested

The District respectfully requests that the Administrative Law Judge:

1. determine that the Due Process Complaint is insufficient;
2. dismiss the Complaint without prejudice; or
3. alternatively, require Petitioner to file an amended complaint identifying the specific IDEA provision allegedly violated, the facts supporting that alleged violation, and the legal basis for each requested remedy.

Respectfully submitted,

[DISTRICT COUNSEL NAME]

Florida Bar No. _____

[Law Firm or District Counsel's Office]

[Address]

[Telephone]

[Email]

Counsel for Respondent AnyTown School District

CERTIFICATE OF SERVICE

I certify that on August ___, 2026, a true and correct copy of the foregoing was furnished by email and/or U.S. Mail to:

John Doe

123 Student Way

Orlando, Florida 32738

407-555-1212

johndoe@parentdoe.com

[DISTRICT COUNSEL NAME]